THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.5781 of 2005

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26.07.2005

Between:

1 Afsar Begum W/o. Late aliuddin Ghalib
H.No.18-2-258/1, Jangampet, Falaknuma, Hyderabad.
2 Gafoorunnisa Begum W/o..Mohammad Ali
H.No.18-2-258/1, Jangampet, Falaknuma, Hyderabad.

...PETITIONERS

AND

1. The Chief Commissioner of Land Administration, A.P., Hyderabad.

And three others.

...RESPONDENTS

Counsel for the Petitioners: MR.N.MUKUNDA REDDY

Counsel for the Respondents: GP FOR REVENUE

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.5781 of 2005

ORDER:

This Writ Petition is filed by the petitioners assailing the order passed by the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad in CCLA's Ref.No.NA2/49/2004, dated 14.03.2005. Respondent Nos.2 and 3 herein have filed an application before the Chief Commissioner of Land Administration, A.P., Hyderabad for their impleadment as legal heirs of late Sri Ghalib Jung Laiqud-Dowla Bahadur. Their application was allowed and they, along with some other persons, were recognized as legal heirs of late Sri Ghalib Jung Laiqud-Dowla Bahadur. Assailing the said order, the Writ Petition is filed by the petitioners.

The learned counsel appearing for the petitioners submits that the Special Chief Secretary & Chief Commissioner of Land Administration passed the order placing reliance on the order in C.M.P.No.6268 of 2000 in CCCA.No.59 of 1995, without correctly understanding the purport of the order and thereby, recognized respondent

Nos.3 and 4 herein as legal heirs of late Sri Ghalib Jung Laiqud-Dowla Bahadur and therefore, the impugned order is required to be set aside.

The learned counsel appearing for respondent Nos.3 and 4 submits that the writ petitioners have statutory remedy under Section 69 of the A.P. (Telangana Area) Court of Wards Act, 1350 Fasli ('the Act' for brevity) and therefore, the Writ Petition filed by the petitioners is not maintainable and the same is liable to be dismissed. He further submits that the petitioners herein along with some other persons have filed a Civil Suit in O.S.No.976 of 2005 and therefore, the petitioners cannot be permitted to pursue the two remedies simultaneously.

It is no more in dispute that the impugned order came to be passed by the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad under Section 53 of the Act and against the said order an appeal has been provided under Section 69 of the Act. Therefore, the petitioners shall exhaust the statutory remedy before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

At this stage, the learned counsel for the petitioners requested continuance of the interim order dated 21.03.2005 passed by this Court in W.P.M.P.No.7631 of 2005 so as to enable the petitioners to work out the remedies available under the Act.

In the circumstances, I deem it appropriate to continue the interim order dated 21.03.2005 for a period of fifteen days from today, so as to enable the petitioners to file the appeal provided under the Act.

With the above direction, the Writ Petition is disposed of.

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(B.SESHASAYANA REDDY, J)

26th July 2005

Note: CC by two days

B/O

RRB